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ABSTRACT

A study examined the agenda setting and policy decision-making strategies utilized by independent public television producers to incorporate an independent production service into public broadcasting reauthorization legislation during the 100th Congress (1987-1988). Public policy analysis techniques from a political science perspective and participant observation conducted during the researcher's work with the House of Representatives Subcommittee on Telecommunications and Finance sessions are used in the study. Findings indicated that although independent producers succeeded at both problem definition and alternative selection strategies, identifying a need for more diverse programming in public television and offering independent production service as an alternative, vague statutory language may result in troubled implementation. Findings also suggest that the independent production service can be viewed as a case study for a series of larger questions, each dealing with forms of public access to the public broadcasting system. (Eleven notes, 47 references, the Corporation for Public Broadcasting's Definition of an Independent Production, and excerpts from Senator Daniel Inouye's remarks concerning the Public Telecommunications Act of 1988 are attached.) (Author/RS)

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Congress, the Corporation for Public Broadcasting, and Independent Producers: Agenda Setting and Policy Making in Public Television

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Abstract

Examines the agenda setting and policy decision making strategies utilized by independent public television producers to incorporate an independent production service into public broadcasting reauthorization legislation during the 100th Congress (1987-1988). Utilizes public policy analysis techniques from a political science perspective (emphasizing the works of Schattschneider, Kingdon, and Pressman & Wildavsky) along with participant observation conducted during the author's work with the House Subcommittee on Telecommunications and Finance, Fall 1987. Independents succeeded at both problem definition and alternative selection strategies, identifying a need for more diverse programming in public television and offering the independent production service as an alternative. Yet vague statutory language may result in troubled implementation. The independent production service can be viewed as a case study for a series of larger questions, each dealing with forms of public access to the public broadcasting system.

Congress, the Corporation for Public Broadcasting, and Independent Producers: Agenda Setting and Policy Making in Public Television

> After a decade of struggle, of congressional hearings and complex disputes over the meaning of seemingly simple adjectives such as "independent," America's independent film and video producers have won an official voice within the labyrinth of public television. (Michaelson, 1988, November 15).

Today, independent producers are working with the Corporation for Public Broadcasting to set up a new entity, an independent production service[1]. How did this come about? How did the independent production community establish the need for such a service? Blau (1988) noted that most organized attempts to improve the relationship between independent producers and public television "have focused on Congress" (p. 24). In an attempt to further scholarly analysis of the public television/independent producer relationship, this article does not concentrate on past history (See Zimmerman, 1982; Goldman, 1985; and Gever, 1988). Instead, utilizing public policy analysis techniques from a political science perspective along with participant observations, this paper evaluates the agenda setting strategies used by the independent production community to achieve its goal.

During the fall of 1987, the author worked with the House Subcommittee on Telecommunications and Finance, organizing the

second of four congressional hearings devoted to public broadcasting during the 100th Congress (1987-1988). This paper focuses on the period of time leading up to the first hearings and concentrates on the techniques used by the independent production community to have its proposal addressed. During that time, the author observed the members of the public television, independent production, and congressional communities whose actions form the basis for the conclusions presented in this paper.[2]

History: Development of the Fight

"Public television" has existed since the term was coined in 1967 (Carnegie Commission on Educational Television, 1967, p. 1). In order to ensure that commercial television did not provide the only type of programming available to the American public, President Lyndon B. Johnson lead the U.S. Congress to enact The Public Broadcasting Act of 1967. The Act created the Corporation for Public Broadcasting (CPB) as the primary organization to administer federal funding for public broadcasting.[3]

Over the past twenty years a conflict has grown involving the production of programs for the public television "system," which is comprised of over 300 stations, several national and regional organizations, and numerous outside sources of programming. Independent producers (those who are not affiliated with a station) contend that, while the independent production

community had attempted to work within this system, it had not been given appropriate access to program funding. Independent producers argued that by not funding their work at adequate levels, the Corporation had not fulfilled the mission of public television: to provide innovative and diverse programming for the American television viewer.

In recognition of this charge, amendments to the Public Broadcasting Act of 1967 were added through The Public Telecommunications Financing Act of 1978 instructing the Corporation to encourage production of programs of "high quality, diversity, creativity, excellence, and innovation" (47 U.S.C. 386(g)(1)(A)). The Corporation was instructed by Congress in the accompanying conference report to increase its level of funding for programming, and that a "substantial" amount of these funds "should be reserved for independent producers" (U.S. Congress, 1978, p. 30). Congress used the word substantial in order to "recognize the important contribution independent producers can make in innovative and creative new programming," while noting that "the talents of these producers have not been adequately utilized in the past" (p. 30).

The Corporation was created as a non-profit organization rather than a government agency because of concern that public broadcasting, and especially programming, should be insulated from political pressure. Congress recognized this distinction at that time by acknowledging that "setting aside a specific

percentage of funds for this purpose would have removed discretion in the administration of the Corporation's funds" in the form of congressional interference (p. 30). Yet Congress still instructed the Corporation "to take the necessary steps to increase the level of participation previously available" to independent producers (p. 30). Ten years later, independents argued that CPB had not taken the necessary steps, and that additional statutory language in the form of a set-aside was indeed necessary.

Since the creation of the Corporation the definitions of independent producer and independent production have been at the heart of the conflict. In an attempt to alleviate this problem, Congress attempted to clarify the term in the 1978 conference report:

> By "independent producer" the conferees have in mind producers not affiliated with any public telecommunications entity and especially the smaller independent organizations and individuals who, while talented, may not have yet received national recognition (p. 30).

Over the ten years following the 1978 amendments, independents worked with CPB by submitting proposals to the CPB Program Fund, created by the Corporation in 1980 as a "semi-autonomous unit designed specifically to support the production of high quality television programs for broadcast to a national audience" through direct federal funding (Corporation for Public Broadcasting, 1988, p. 40).[4] Representatives of independent producer organizations also met with Program Fund personnel to discuss CPB

funding to independent producers. However, the Corporation chose to include in its working definition producers who, while not working for a specific station, worked on a production for a consortium of stations created to produce a series such as Frontline, Wonderworks, or American Playhouse (Corporation for Public Broadcasting, 1987)(see Appendix A for complete CPB definition).[5] Independents charged that CPB funding was increasingly given to programs and series created by stations and station consortia rather than directly to those producers considered independent by the independent production community itself.

Independent representatives returned to Congress several times during the period from 1978 to 1988 to report their grievances regarding this situation. Reaching what they considered an impasse, the independent production community returned to Congress twice during the 100th Congress to convince the decision-makers that the solution designed by independents was the best one. Yet first they had to convince those who could change the situation that a problem existed. According to political scientist John W. Kingdon (1984), a condition may not always be seen as a problem by those outside the conflict. Kingdon cautioned that "for a condition to be a problem, people must become convinced that something should be done to change it" (p. 119). It was the responsibility of the independents to

prove their argument to those who could help them solve the problem using the independents' solution.

The Independents' Alternative: A National Independent Production Service

The independents proposed a separate organization within the public broadcasting community to be given the "unambiguous mandate to fund the production, acquisition, promotion, and distribution of programs produced by independent film and videomakers to public broadcasting and other markets" (National Coalition, 1987). They offered a definition of independent producers as "individuals not regularly employed as producers by a public or commercial broadcast entity or film studio" and independent productions as "programs initiated by an independent producer over which the independent producer has editorial, budgetary, and copyright control."

The national independent production service would be administered by an autonomous board of directors composed of "educators, critics, exhibitors, programmers, representatives of state and national arts organizations, and community-based users along with independent producers." The Coalition requested that the independent program service receive 25% of congressional appropriations to public broadcasting. For 1990, CPB has requested $395 million; were that figure achieved the independent program service would then receive almost $99 million. The independents proposed that no more than 5% of the

independent program service budget could be spent on administration and overhead; this is the same administrative cap under which the Corporation operates.

In terms of budget considerations during policy formulation, political scientist Michael Malbin (1980) noted that often quantitative policy analyses from differing sides of a fight are in conflict. Since the enactment of the 1978 amendments, the independents had criticized CPB's methods of reporting production funding. The independents had been left in what Malbin called a "defensive posture on the question--always reacting, always working on 'counter studies'" to those prepared by the Corporation (p. 83). Each side of a conflict bases its reporting of data on different assumptions, in this case conflicting definitions of independent production. In preparation of their attempt to create the independent production service, the members of the independent coalition felt the need to reinterpret CPB figures and to produce their own statistical analysis of CPB funding of independent production for the fiscal years 1982-1987 (Association of California Independent Public Television Producers, 1987). The authors believed that in so doing, they had uncovered "significant and disturbing trends beneath the surface of CPB's undifferentiated, reported data" (p. 1). The two sides of the issue--independent producers and CPB--had not found common ground to negotiate an agreement, and so the

independents began to mobilize what had been a private battle into a public debate.

Policy Type: What Kind of Fight?

During my service with the House Subcommittee, representatives of the Independents' Coalition began to circulate a proposal for the independent program service. Because they chose to earmark 25% of all federal funding to public broadcasting for independently produced work, the independents were in effect attempting to redistribute a portion of the available funds. This naturally put the public broadcasting community in opposition to the proposal. Those within the public television system would have preferred to restrict the scope of the conflict, keeping it a private fight within the public television system. They were motivated, as political scientist E. E. Schattschneider (1975) described, "to limit the use of public authority" (p. 7). Congressional interference in the administration of the Corporation would have affected every station within the system.

While the independents wanted to create a new organization, the conflict was rooted in a problem of implementation of the existing mandate. In their book on the subject, political scientists Jeffrey L. Pressman and Aaron Wildavsky (1984) noted that "policy makers who incorporate little implementation coding in original mandates reveal their inability to legislate unknown processes; instead, they attempt to compel outcomes--leaving the

unknown 'hows' to the implementors" (p. 218). This type of "troubled implementation" comes when "instead of mandating certain outcomes, public policy may leave it to be determined by bargaining among the immediately affected parties" (p. 222). However, attempts at bargaining between public television and independent producers' representatives had typically served in the past to entrench both parties.

The independents now hoped to increase the number of participants and to socialize the conflict in an attempt to gain "outside intervention" as a basis for their appeal to the public authority of Congress "for redress of private grievances," in this case the lack of CPB funding to independent producers (Schattschneider, 1988, p. 7). So while the public television entities saw the problem as an internal "system issue" (if as a problem at all), the independents worked to frame the issue as a public matter. Independents considered themselves more than just a special interest group and contended that their problem had been detrimental not only to the independent production community but to the entire American television viewing audience as well.

Policy Actors: Who Were the Players in the Fight?

To get the requested set-aside in federal funding, a decision usually is agreed upon by both the executive and legislative branches (unless Congress is united enough to overturn a presidential veto). However, the Reagan administration continually submitted budgets to Congress that

either attempted to eliminate or greatly reduced federal funding to public broadcasting. It seemed appropriate to assume that independents would not receive support to earmark funds from such an administration.

The decision to accept the independents' proposal was included within the government's budgetary process completed during the 100th session of Congress. On the executive side, CPB submitted its request to the administration's Office of Management and Budget, which then made cuts in that request and included it as part of the President's budget submitted to Congress. Shortly thereafter, Congress held oversight hearings in November 1987 on the state of public broadcasting and CPB's role. At that time representatives of the independents introduced their proposal to the subcommittees' members and staff.

Support to CPB is unique in that it is one of the few cases of forward-funding within the federal government: to allow for multi-year planning for programming and other public broadcasting needs (such as satellite interconnection replacement), funding for public broadcasting is reauthorized once every five years, and appropriations are made once every two years. House and Senate reauthorization hearings were held in March of 1988, with representatives of the independents testifying on their proposal at both. For independent representatives to be chosen for both the Senate and House hearings, and for two independent

representatives to be among the six panelists chosen to testify at the House hearing, proves the issue was definitely on the decision-making agenda (U.S. Congress, House of Representatives, 1987, November 18 and 1988, March 10; U.S. Congress, Senate, 1987, November 12; and U.S. Congress, Senate, 1988, March 15).

Within Congress, the committees with jurisdiction over telecommunications oversee the Corporation and so control federal funding to public broadcasting.[6] In the Senate, this includes the Subcommittee on Communications chaired by Senator Daniel Inouye (D-HA) under the Committee on Commerce, Science and Transportation chaired by Ernest Hollings (D-SC). Both chairs are considered powerful members of Congress and strong supporters of public broadcasting, which could have signaled their support of the public television stations in opposition to the independents' proposal. Indeed, the original Senate proposal for the 1988 amendments focused on the elimination of CPB with federal funding given directly to individual stations within the system (U.S. Congress, Senate, 1988, August 2). The independents did not support this proposal, since it would make their alternative--the independent production service--more difficult to create.

Traditionally, the House has been more supportive of the independents' concerns. The Energy and Commerce Committee is chaired by John Dingell (D-MI), and its Subcommittee on Telecommunications and Finance is chaired by Edward Markey

(D-MA). It is important to note that prior to the 100th session of Congress, the House had not had a hearing on public broadcasting since 1984, and had not held an oversight hearing dealing with the Corporation since 1981. New members of the committee and subcommittee might have been unaware of the legislative history behind the independents' conflict.

However, a key player within the House had been Henry Waxman (D-CA). While the chief architect of statutory language referring to independent production in the 1978 amendments, Waxman was no longer a member of the Subcommittee on Telecommunications and Finance. However, and perhaps more importantly, he was one of the senior members of the full committee and chaired his own subcommittee; he was an even more influential member than he had been ten years before. He continued to express his committment to the independents' cause through his personal staff's involvement.

While these top level members of Congress must recognize the problem, it is their staffs--legislative assistants in personal offices and policy analysts and counsels in the committees and subcommittees--that advise their bosses on alternative selection. And while it is a legislative assistant who briefs the member on the issue, often they themselves rely on the subcommittee's counsel and policy analysts for information. Subcommittee staff play an important role in both recognizing a problem and in selecting alternatives and solutions. The

independents recognized this and worked to educate both the committee members' personal staffs and the committee staffs on both the existence of a problem and the feasibility of the independents' alternative.

Organized supporters of the proposal included the Association of Independent Video and Filmmakers (AIVF) and the Association of California Independent Public Television Producers (ACIPTP). The California association was itself an alliance of 18 media arts organizations within the state that work with independent producers, such as the Film Arts Foundation, the Bay Area Video Coalition, the Long Beach Museum, and the Black Filmmakers Hall of Fame. While AIVF is headquartered in New York, over the past ten years it has grown to include a national membership of 4,000. To increase their strength as advocates of independent producers working within public television, in 1984 the two organizations joined forces forming the National Coalition of Independent Public Broadcasting Producers, claiming to now represent 10,000 producers (National Coalition, 1987).

As Schattschneider (1988) wrote, "an issue is produced only when the battle is joined," (p. 72) and he saw in redistributive conflict that:

> . . . the most powerful special interests want private settlement because they are able to dictate the outcome as long as the conflict remains private . . . it is the weak who want to socialize conflict, i.e., to involve more and more people in the conflict until the balance of forces is changed. (p. xxiii)

While the public television organizations attempted to contain the independents' conflict within the system itself, independents worked to add additional supporters to their cause. The Coalition was joined by the National Association of Media Arts Centers (NAMAC), representing over 300 independent exhibition and production facilities across the country. Support for their cause also came from non-production related organizations as well. The United Church of Christ's Office of Communication submitted a letter to the House Subcommittee to "urge that Congress take steps to reassert the importance of independent productions to public television" (United Church of Christ, 1987).

The independent production community's resources included small but highly motivated memberships, AIVF's board of directors and part-time executive director, AIVF's national newsletter, and a specially created emergency legislative fund. The independents also utilized the non-profit status of the Foundation for Independent Video and Filmmakers (FIVF) for fund raising and to reduce mailing costs. While the number of representatives for the independents was small, they were highly knowledgeable and experienced in the issue. In addition to Coalition Co-Chairs Larry Sapadin and Larry Daressa, most notable was Californian Larry Hall, acknowledged as serving a vital role in securing the 1978 amendments, and again an active lobbyist, especially with House representative Henry Waxman (Friend, 1988).

In this fight independent producers took on the role of what Kingdon (1984) described as "policy entrepreneurs": "those willing to make investments of their resources in return for future policies of which they approve" (p. 121). The independents' resources included those of all policy entrepreneurs: press releases, hearing testimony, speeches, letters, visits to decision makers, and protest activity (p. 121).

Opponents to the independents proposal for an independent production service included the Corporation for Public Broadcasting, which argued that CPB as an organization already served the needs of the American public and that it utilized the work of independent producers at a proper adequate level. In addition, both the stations' membership programming and distribution service, the Public Broadcasting Service (PBS) and the system's lobbying organization, the National Association of Public Television Stations (NAPTS) agreed that the problem did not require a set-aside for independent producers. The equivalent organization in radio, National Public Radio (NPR), also lent its support even though the independents were calling for a separate independent production service within television only (see testimony in U.S. Congress, House of Representatives, 1988 March 10)[7]. These organizations had greater resources for "government relations," including money, full-time staff, and an electronic mail system which allowed instantaneous communication

between PBS and its member stations (in contrast to the independents, who had to weigh the relative importance of dissemination to its membership regarding immediate developments in their congressional battle against the costs of first class mail.)[8] Perhaps the most important resource of public television was its inherent "apple pie" image; to criticize public television was considered by some equivalent to criticism of the finest in American culture.

In his work Agendas, Alternatives and Public Policies (1984), Kingdon proposed that the agenda setting stage of public policy strategy consists of two steps: problem recognition and alternative specification. The independents had to plan their strategy carefully, so as not to appear to criticize public broadcasting so much as to offer a specific alternative which could solve the generally acknowledged problems within public broadcasting.

Policy Strategy

To address problem recognition, independents successfully utilized what Kingdon (1984) called a "focusing event": a symbol which focuses attention on a problem "already in the back of people's minds," reinforcing preexisting perceptions (p. 103). November 1987 marked the 20th anniversary of The Public Broadcasting Act of 1967 and the creation of CPB. Not only did both the House and Senate hold oversight hearings in conjunction

with the anniversary, but the event created a forum in the national press.

For Kingdon (1984), a central part of agenda setting involves "the process of fixing attention on one problem rather than another" (p. 121). He noted that "linking a proposal to a problem that is perceived as real and important does enhance that proposal's prospects for moving up the agenda" (p. 121). Even though no representative of the Coalition received an invitation to testify at the House hearing in November of 1987, Coalition Co-Chair Sapadin did present the independents' proposal in writing as a solution to the concerns of Subcommittee Chair Markey. In a statement submitted for inclusion in the record of the hearing, Sapadin wrote that the Coalition's statement:

> . . . addresses the adverse impact of corporate underwriting and membership appeals on public broadcasting programming diversity and innovation, issues which you dealt with in some of your questioning on November 18th . . . the National Coalition of Independent Public Broadcasting Producers has proposed a solution--the creation of a National Independent Program Service--that would increase diversity by creating a structure to promote full participation by the independent production community . . . (U.S. Congress, House of Representatives, 1987, November 18, p. 298).

The independents were actively seeking to frame their proposal as a solution to public television's problems <u>as perceived by others</u>.

Kingdon's steps are also tied to his concept of three streams or processes of agenda setting: "problems" or problem definition, "policies" or policy proposals and "politics" itself

(1984). It is when these three streams join together that a policy window may open and present the opportunity for change. As Kingdon noted "open windows present opportunities for the complete linkage of problems, proposals, and politics, and hence opportunities to move packages of the three joined elements up the decision agendas" (p. 213).

The problem, policy and political streams joined together in just such a linking to create a window for the independents' proposal. The independents succeeded in getting their problem recognized by Congress and subsequently onto the actual decision-making agenda by using the advocacy techniques Kingdon (1984) described: hooking onto the problem of the moment and pushing at the right time in the political stream (p. 182).

At the same time that an opening occurred in the public stream, an opening was occurring within the political stream. As described earlier, The Public Broadcasting Act of 1967 as amended is unique in that it authorizes one of the few instances of advance year or forward-funding within the federal government. Reauthorization for 1990-1995 occurred within the 100th Congress, with reauthorization hearings held in both the House and Senate in March of 1988. Some supporters of change within public broadcasting were convinced such an opportunity would not occur again until a change in administrations. The independents successfully utilized this opening to introduce their proposal.

The role of the independent representatives, what Kingdon (1984) called "policy entrepreneurs," was to work within the policy stream; to "soften up the system, to have the proposal worked out, discussed, amended and ready to go, long before the window opens" (p. 178). While the independents were successful at getting their proposal linked to a larger problem and onto the decision-making agenda, they may not have adequately addressed the feasibility of implementing their proposal. For example, as the possibility of getting the proposal accepted began to seem a reality, the question of how to accomplish the nuts and bolts became more difficult. How would the board of directors for the service be selected to insure that program funding decisions would remain insulated from political pressure in a way acceptable to Congress? The independent representatives affectively utilized their limited resources and succeeded in making contact and developing on-going relationships with the subcommittee members and staffs. Yet, within their financial and manpower constraints, had they cemented relations with all congressional players, they might have brought more specific statutory language to bear regarding the codification of their proposed alternative. More specific statutory language, such as requirements for the service's board of directors, might have reduced the possibility of the "troubled implementation" that Pressman and Wildavsky described (1984, p. 222).

In part, the opposition's strategy was to keep the issue off the agenda by keeping it complex. The Corporation maintained a monopoly on information--to the point where independents felt the need to request that Congress obtain program-by-program breakdowns of CPB funding to series produced by consortia. The independents charged that they had been unable to obtain the information. The Corporation also utilized "cooptation" of the independents: CPB voluntarily met with the Coalition three times a year during the 1980s, in part, it could be charged, to head off the type of statutory requirement now in effect. Coalition Co-Chair Daressa, testifying during the House reauthorization hearing, estimated that "over a million airmiles were spent bringing independent producers into this town in the last few years . . . [while] not one new initiative has come forward" (U.S. Congress, House of Representatives, 1988, March 10, p. 600).

The Corporation and the stations also attempted, as Schattschneider (1975) described it, to restrict the conflict by localizing it; to disguise the attempt to privatize the conflict as a tendency toward decentralization (p. 10-11). The argument is often made that the public television system is a decentralized one, with program decision-making in the hands of each individual station. The independents, on the other hand, cited the creation of CPB as a national leadership organization, empowered to fund the creation of programming on a national

level. It was in the interests of the independents to attempt to expand the scope of the conflict by nationalizing it.

Both independents and system representatives attempted to frame the issue of independent production in terms of the American viewing public rather than one of employment for independent producers. The press had paraphrased the independents' argument by noting that "public broadcasting has failed to provide the American public with the innovative and diverse programming that was to distinguish public TV from commercial broadcasting" ("California Indie," p. 96). At the same time National Association of Public Television Stations President David Brugger testified before the House that stations "don't chose programs by who produces them . . . we chose them by what is the best content and what are the needs of the community" (U.S. Congress, House of Representatives, 1988, March 10, p. 599). This forced Coalition Co-Chair Daressa to respond with the argument that the intent of Congress in addressing independent production was "not to provide an employment agency for independent producers, but to insure program diversity" (U.S. Congress, House of Representatives, 1988, March 10). It was important for the independents to establish that they were fighting for the public, not simply for independents.

A Key Part of the Independents' Strategy: Use of the Media

As Schattschneider (1975) noted, "conflicts are won or lost based on the success of the contestants in getting the audience

involved in the fight" (p. 4) and that "conflict occurs more readily about issues that are visible" (p. xxiii). The independents successfully brought their definition of the problem and their proposed solution to the attention of the national press. Major publications commemorated the 20th anniversary of public broadcasting with review articles on its then-current state of affairs. Without exception, The New York Times, Harper's, industry publications such as Variety and Channels, and even a two part series in TV Guide commented that public television had failed to fulfill its mission (Boyer, 1987; Hitt, 1987; "The Public Broadcasting Act at 20," 1987, September 16; Sucherman, 1987; and Weisman, 1987, August 1 & August 8). By the time the February 1 issue of Broadcasting went to press, editors of the weekly industry organ were receptive enough to the issue that Coalition Co-Chair Sapadin was able to place a page long commentary discussing the independent production service proposal, in which he wrote:

> Although these commentaries have not specifically examined the role of independent producers in public broadcasting, independents, too, have been critical of public broadcasting for some time. Lately, however, independents have been proposing solutions to some of the problems identified by the media pundits (Sapadin, 1988, p. 6)

Sapadin successfully "hooked" the independent production service proposal onto the problem of the moment as perceived by the national media, just as he had linked their proposal to Subcommittee Chair Markey's concerns.

The independents started out small, publishing articles in supportive association newsletters, slowly building a track record of published material and thereby making their proposal a more 'acceptable story' to larger, national media. By the Sunday prior to the March 1988 reauthorization hearings, media critic Ron Powers of the CBS Sunday Morning television program offered the following analysis of the situation, re-enforcing the independents' argument:

> Independent producers are lobbying for a bigger share of PBS' program funds, not to mention more airtime for their products. Their claim is that this is exactly the sort of bold, provocative, risk-taking television that was envisioned by the creators of PBS 20 years ago. They have a very strong point.
>
> The independents want guaranteed money, airtime, and freedom from pressure to conform to mainstream tastes. Not surprisingly, PBS insiders find these requests outlandish and unreasonable. No doubt they are. How utterly refreshing. Let's face it, American public television is in dire need of a little outlandishness, ... That need has existed since the days of the founding fathers [of public television]. It may never have been more acute than in these days of compression and dreary conformity.
>
> Here's hoping those congressional subcommittees will listen this week to the voices who are cautioning about a failed mission in public television. The time has long since past when PBS can simply "Leave It to Beaver" (Powers, 1988).[9]

Opponents to the independents' proposal within the public broadcasting community wanted to contain the fight and keep it out of the public eye--including the media. And there were those within Congress who felt the same. Any negative press about public broadcasting at all during the reauthorization procedure

could potentially have provided ammunition to those who would have reduced or eliminated federal funding to public broadcasting in general (a result which would adversely affect both independents and public broadcasters). This strategy had been used by some committee members and their staffs to keep independents out of the policy stream during the appropriations hearings and mark-ups of reauthorization bills throughout the Reagan administration. As Kingdon (1984) noted, "sometimes participants chose not to open a window at all rather than risk an outcome that would be worse than the status quo" (p. 186). Yet the independents were successful in convincing those who controlled media policy as well as the general audience that a problem did exist, and eventually, that theirs was the appropriate solution.

The strategy of those opposed to the independents has been similar to that of any opposition. In describing Schattschneider's work, political scientist David Adamany noted that "the strategy of opposition is to seek a 'substitution of conflicts' by advancing other issues which exploit the submerged conflicts" (Schattschneider, 1975, p. xxiv). The public television representatives worked to substitute the independents' argument with one of low levels of funding for the entire system. The strategy was not effective, however--the specific condition of the independents was considered a problem by the decision-makers--and the fight moved to a new stage.

Success: Consensus Building and Bargaining

Once the independents' proposal was on the decision-making agenda, the independents moved from the policy stream to the political stream. As Kingdon (1984) noted, "while the policy stream's emphasis is on persuasion, the political stream's consensus building is governed by bargaining" (p. 167). Analysis of the over 1,000 pages of hearing testimony, committee reports, and floor statements leading to passage of The Public Telecommunications Act of 1988 is beyond the scope of this paper.[10] Yet problems which have recently developed regarding implementation of the independent production service may relate back to the agenda-setting strategies of the independents.

Bargaining can refer to negotiations between interest groups and Congress, or to bargaining between members within Congress. As the independents were meeting with Congress members and their staffs, members of the two chambers were in negotiation as well. Typically, amendments can be added at a number of stages: during "mark-up" of the bill within the subcommittee, at the full committee level, on the floor of the full chamber during debate or in House and Senate conference committees if the procedure requires it. While the independent production service was included on the congressional agenda from the beginning of deliberations, the original Senate version of the reauthorization bill greatly differed from the House version (see U.S. Congress, Senate, 1988, August 2 and U.S. Congress, House of

Representatives, 1988, August 5). The original Senate proposal attempted to radically change the structure of the system by passing 80% of all federal funding directly to stations, greatly diluting CPB's responsibility. The independents objected to the proposal, and continued to suggest the national independent production service as the solution to the system's problems.

Negotiation between the two chambers took several months, with the final version of the bill more closely resembling the House version. However, a formal conference between the House and Senate committees never occurred. Senator Inouye's remarks as printed in the Congressional Record of October 7, 1988, function within the legislative history of the 1988 Act as a conference report (Representative Markey extended his remarks of to include language almost identical to that of the Senator, see Inouye, 1987, October 7; Markey, 1987, November 10) (see Appendix B for Senator Inouye's complete remarks). The Act was passed into law by the Senate on October 7, 1988. The final statutory language was a compromise between the executive and legislative branches as well as between the chambers of Congress:

> It fell short of the radical overhaul that would have reduced the Corporation for Public Broadcasting to a check-writing unit, but, because of compromises with the Office of Management and Budget designed to avoid a presidential veto, it also fell considerably short of the money targets Congress and public broadcasters had hoped for . . . (Carmody, 1988, October 12).

In spite of these negotiations, or perhaps because attention was focused on the seemingly bigger budgetary and structural issues,

the independents' proposal for a set-aside made it through the process into law.

Yet the independents proposal did not go through the process unscathed. By bargaining, Kingdon (1984) referred to "compromising from ideal positions to positions that will gain wider acceptance" (p. 208). The independents needed to weigh their proposal for a 25% set-aside of funds against their chances of winning. At each level within the political process--subcommittee, committee, full chamber of House or Senate, conference between the chambers--the battle to add amendments can become tougher as the number of participants increases. The independents chose to compromise--to give up their 25% figure--in order to get the service enacted. A smaller specific amount--$ 6 million--was referred to in remarks accompanying the Act (Inouye, 1988, October 7; Markey, 1988, October 7; Markey, 1988, November 10). Once created, and if the service can demonstrate initial success, its appropriations may increase. Both Coalition Co-Chairs Sapadin and Daressa have referred to the service as "a start" for the "pilot" program which must prove its success (Harris, 1988, November 9; Michaelson, 1988, July 2; and Michaelson, 1988, November 15).

During the bargaining process it was crucial that the independents' proposal--their alternative solution on the decision-making agenda--be thoroughly thought out. As Kingdon (1984) noted, "agendas are not first set and then alternatives

generated, instead, alternatives must be advocated for a long period of time before a short-run opportunity presents itself on the agenda" (p. 215). There was the danger that, while concentrating their efforts on problem recognition, the independents were not generating a clear alternative solution. Perhaps, as the number of congressional participants increased, sufficient statutory language regarding the independent production service was overlooked, causing setbacks and delays in negotiations between CPB and the Coalition to implement the service (Buckman, 1989).

Beyond Success: Implementation of the Service

The independent production community succeeded in creating the independent production service it envisioned, as the following excerpt from the Public Telecommunications Act of 1988 addressed:

> INDEPENDENT PRODUCTION
>
> Sec. 8. Section 396(k)(3)(B) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B) is amended by adding at the end the following new clauses:
>
> "(iii)(I) For fiscal year 1990 and succeeding fiscal years, the Corporation shall, in carrying out its obligations under clause (i) with respect to public television programming, provide adequate funds for an independent production service.
>
> "(II) Such independent production service shall be separate from the Corporation and shall be incorporated under the laws of the District of Columbia for the purpose of contracting with the Corporation for the expenditure of funds for the production of public television programs by independent producers and independent production entities.

> "(III) The Corporation shall work with organizations or associations of independent producers or independent production entities to develop a plan and budget for the operation of such service that is acceptable to the Corporation.
>
> "(IV) The Corporation shall ensure that the funds provided to such independent production service shall be used exclusively in pursuit of the Corporation's obligation to expand the diversity and innovativeness of programming available to public broadcasting.
>
> "(V) The Corporation shall report annually to Congress regarding the activities and expenditures of the independent production service. At the end of fiscal year 1992, the Corporation shall submit a report to Congress evaluating the performance of the independent production service in light of its mission to expand the diversity and innovativeness of programming available to public broadcasting." (Public Telecommunications Act of 1988, 102 STAT. 3210-3211).

This is the statutory language regarding independent production in the 1988 Act in its entirety. The warnings of Pressman and Wildavsky (1984) of vague statutory language leading to "troubled implementation" that applied to the 1978 amendments may unfortunately apply to the 1988 amendments as well. The record accompanying the Act offers little more in the way of specific instruction on implementation (see Appendix B).

While both parties--the independent production community and CPB--may have difficulties negotiating the implementation of the independent production service, the language does make clear an emphasis on cooperation between the two. The 1988 Act states that CPB is instructed to work with independents "to develop a plan and budget for the operation of such service <u>that is acceptable to the Corporation</u>" (emphasis added)

(47 U.S.C. 396(k)(3)(B)(III)). While independent involvement in the service is clear, Congress has also instructed that the "structure and composition of the Service's governing board will be acceptable to the CPB" (emphasis added)(Sen. Inouye, 1988, p. S 15317). Also, while the service is to be incorporated separately from CPB, Congress has required the Corporation to report "each year on the activities and expenditures" of the service, and "at the end of fiscal year 1992, the Corporation must submit . . . a report evaluating the performance" of the service (p. S 15317). Even though negotiations may have reached temporary "loggerheads," it has been reported in the press that "congressional sources say they would like to see public broadcasters resolve this problem on their own" (Buckman, 1989, p. 8).[11] Whatever the outcome, there will be an independent production service, for Congress has instructed that such an entity "should be in full service by fall of 1989" (p S 15317). As Pressman and Wildavsky (1984) described, in the attempt to compel outcomes, Congress has once again left the unknown 'hows' to the implementors--CPB and the independents--to work out over the course of the next few months.

Yet the mission of the new service seems clear. The independent producers succeeded in framing their argument with

public broadcasting as, above all, one of access. As noted in the congressional statement accompanying the bill:

> For almost as long as public broadcasting has existed, there have been two major concerns among the independent production community: the lack of funding for independent productions and a perceived inaccessibility of the system to independent producers . . . . Independent producers' concerns are based on the perception of an increasingly "closed system" structure of public broadcasting, in which the CPB and the stations control access to the public airwaves. (emphasis added)(Inouye, 1988, October 7, p. S 15317; and Markey, 1988, November 10, p. E 3749).

In the eyes of Congress, the independent production service is mandated "to provide producers increased access to the public television system, foster an improved, cooperative working relationship between the independent production community and the public broadcasting system and bring innovative programming to the American people" (emphasis added)(Sen. Inouye, 1988, p. S 15317). Even with the creation of an independent production service, the ambiguity in statutory language regarding its implementation may again serve to prolong the question of independent producer access to the public television system.

The independent production service can be viewed as a case study for a series of larger questions, each dealing with all forms of access to the public broadcasting system. Who should have access to the public broadcasting system? Which "publics" will the public broadcasting system serve? What is to be the "public" role in public broadcasting?

NOTES

1.While the words used to describe such a service have changed as the concept evolved, at various times referred to as the Independent Program Service (IPS) or National Independent Program Service (NIPS), all federal documents refer to the concept as an "independent production service." This terminology shall be used throughout the paper.

2.Because of the history of a working relationship between the House and independent producers and the author's experience with the House Subcommittee, this paper emphasizes developments within the House chamber.

3.The Commerce Department's National Telecommunications and Information Administration (NTIA) administers federal funding for public telecommunications facilities development; all other federal funding to public broadcasting (i.e., operating support, program funding) is administered by CPB. Individual projects may receive federal funding from government agencies in addition to CPB (for example,) Department of Education support to the Children's Television Workshop for specific educational series.

4.The CPB Program Fund does include a separate "Open Solicitation" fund. Because of the complexity of the independents' arguments regarding the administration of the entire Program Fund, this paper does not address the distinction. The legislative history of the recent Act clearly states that Congress did not intend the independent production service to replace the Program Fund's obligation to fund independently produced work (see Inouye, 1988, October 7).

5.A detailed definition of an independent production was submitted to Congress at the request of the House Subcommittee on Telecommunications and Finance by CPB as part of testimony before the Subcommittee during its November 18, 1987 hearing on public broadcasting. The complete CPB definition as submitted is contained in Appendix A of this paper.

6.While appropriations committees are important to the process, the communications committees must first reauthorize continued funding before appropriations committees can approve levels of funding. The communications committees had to authorize the creation of the independent production service.

7.The public radio community receives federal funding for national programming through the CPB Radio Program Fund, created in 1986.

8.The public broadcasting community is also served by a industry publication, the weekly Current. The independents successfully developed their own voice within this publication as well as within the national press (see Daressa, 1987; Sapadin & Daressa, 1988).

9."Leave It To Beaver" refers to then-increasing use by some public television stations of syndicated commercial programming, including "Lassie," "The Avengers" and Disney programs. Critics charged that the use of these programs by public television stations was indicative of their failure to fulfill the mission of public broadcasting.

10.For an excellent, concise review of the hearings, see Blau, 1988. See also "Gutin reiterates," 1987; and "Public broadcasters," 1987.

11.While working with the House Subcommittee, I noticed that the publication Electronic Media was one of the industry publications and national newspapers utilized on a daily or weekly basis by congressional staff. Staff had a working relationship with the reporters for this publications, and therefore it can be considered a reliability source of congressional opinion.

References

Association of California Independent Public Television Producers (for the National Coalition of Independent Public Broadcasting Producers). (1987). Corporation for Public Broadcasting funding of independent production FY 1982 through FY 1987: Preliminary findings. San Francisco: ACIPTP.

Blau, A. (1988, June). The hearings: introduction. The Independent, 11(5), 24-27.

Boyer, P. J. (1987, October 25). Public TV: That delicate balance. New York Times, sec. II, pp. 1, 40.

Buckman, A. (1989, April 3). New federal funding service. Electronic Media, p. 8.

California Indie Coalition Seeks New Program Stream for Prods. (1987, September 16). Variety, 69 & 96.

Carmody, J. (1988, October 12). The TV column. Washington Post, p. D10.

Carnegie Commission on Educational Television. (1967). Public television: A program for action. New York: Harper & Row.

Corporation for Public Broadcasting. (1987). CPB's definition of an independent production. (mimeo).

Corporation for Public Broadcasting. (1988). A report to the people: Corporation for public broadcasting 1987 annual report. Washington, DC: Corporation for Public Broadcasting.

Daressa, L. (1987). Current commentary: Independent producers propose new program service. Current, pp. 2-3.

Friend, A. (1988, July 27). Public TV gadfly: Citizen Larry Hall. Current, p. 8.

Gever, M. (Ed.). (1988, June). Public television: Independents' challenge [Special issue]. The Independent, 11(5).

Goldman, D. (1985, January/February). AIVF at 10: A history. The Independent, 8(1), 28-35.

Gutin reiterates public broadcasting's plea for funding. (1987, November 23). Broadcasting, p. 56.

Harris, P. (1988, November 9). Congress carves a niche for indie producers in public TV. Variety, p 35.

Hitt, J. (1987, November). And now for something completely cheap. Harper's, pp. 58-59.

Inouye, D. (1988, October 7). Statement on the Public Telecommunications Act of 1988. Congressional Record, Daily edition, S 15207 - S 15322.

Kingdon, J. W. (1984). Agendas, alternatives, and public policies. New York: Little, Brown and Company.

Markey, E. (1988, October 19). Remarks on the Public Telecommunications Act of 1988. Congressional Record, Daily edition, H 10447 - H 10451.

Markey, E. (1988, November 10). Extension of remarks on the Public Telecommunications Act of 1988. Congressional Record, Daily edition, E 3747 - E 3750.

Michaelson, J. (1988, July 2). CPB funding changes to benefit film independents. Los Angeles Times, sec. VI, pp. 1, 6.

Michaelson, J. (1988, November 15). Independents overjoyed at getting voice in public TV. Los Angeles Times, sec. VI, pp. 1, 8.

National Coalition of Independent Public Television Producers. (1987). The Independent program service: A proposal. (Available from NCIPTP, c/o AIVF, 625 Broadway, New York, NY 10012)

Powers, R. (1988, June). CBS Sunday Morning report. The Independent, 11(5), 23.

Pressman, J. L. & Wildavsky, A. (1984). Implementation (3rd ed.). Berkeley, CA: University of California Press.

Public broadcasters looking for a sure thing. (1987, November 16). Broadcasting, pp. 49-50.

Public Broadcasting Act of 1967, 47 U.S.C. 390-399. (P.L. 90-129, November 7,1967).

Public Broadcasting Act at 20 [special section]. (1987, September 16). Variety, pp. 65-101, 127.

Public Telecommunications Act of 1988, 47 U.S.C. 396-398. (P.L. 100-626, November 7, 1988).

Public Telecommunications Financing Act of 1978, 47 U.S.C. 390-398. (P.L. 95-567, November 2, 1978).

Sapadin, L. (1988, February 1). Monday memo: Open public television to independent producers. Broadcasting, p. 10.

Sapadin, L. & Daressa, L. (1988, May 11). Correcting Al's myth-takes. Current, pp. 16-17.

Schattschneider, E. E. (1975). The semisovereign people: A realist's view of democracy in America (2nd edition). Hinsdale, IL: Dryden Press.

Sucherman, S. (1987, October). Old enough to get its act together. Channels, pp. 68-70.

United Church of Christ, Office of Communications. (1987, November 12). Resolution on public television (letter). In U. S. Congress, House of Representatives, Public broadcasting, (Serial No. 100-160) Hearings, (pp 340-342). Washington, DC: U. S. Government Printing Office.

U.S. Congress, House of Repreentatives, Committee on Interstate and Foreign Commerce, & Senate, Committee on Commerce, Science and Transportatopn. (1978). Public telecommunications financing act of 1978 (Conference Report no. 1774). Washington, DC: Government Printing Office.

U.S. Congress, House of Representatives, Committee on Energy and Commerce, Subcommittee on Telecommunications and Finance. (1987, November 18; 1988, March 10). Public broadcasting (Serial No. 100-160). Hearings. Washington, DC: Government Printing Office.

U.S. Congress, House of Representatives, Committee on Energy and Commerce, Subcommittee on Telecommunications and Finance. (1988, August 5). Public telecommunications act of 1988 (H. Rept. 100-825). Washington, DC: Government Printing Office.

U.S. Congress, Senate, Committee on Commerce, Science and Transportation, Subcommittee on Communications. (1987, November 12). Public broadcasting: The 20th anniversary (Serial No. 100-477). Hearings. Washington, DC: Government Printing Office.

U.S. Congress, Senate, Committee on Commerce, Science and Transportation, Subcommittee on Communications. (1988, March 15). Public telecommunications act of 1988 (Serial No. 100-604). Hearings. Washington, DC: Government Printing Office.

U.S. Congress, Senate, Committee on Commerce, Science and Transportation, Subcommittee on Communications. (1988, August 2). Public telecommunications act of 1988 (S. Rept. 100-444). Washington, DC: Government Printing Office.

Weisman, J. (1987, August 1). Public TV: Can it survive? TV Guide, pp. 2-11.

Weisman, J. (1987, August 8). Public TV in crisis: How to make it better. TV Guide, pp. 26-40.

Zimmerman, P. R. (1982). Public television, independent documentary producer and public policy. Journal of the University Film and Video Association, 34(3), 9-23.

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Appendix A

CPB's Definition of an Independent Production

November 1987

Our criteria for judging an independent production is as follows:

A. The producer has no affiliation with a public or commercial broadcasting licensee which could exercise content or fiscal control over the project.

B. The producer has control over the budget and content of the production, subject to oversight by CPB or its designee to satisfy the Corporation's mandate as stewards of federal funds, and to ensure that the production is consistent with the original proposal and meets the system's journalistic, artistic, and technical standards.

By the first criterion we mean that with regard to the production under consideration, the individual or individuals not be full, part-time or per diem employees or freelance producers of public or commercial television licensees. We realize that many independent producers may work either full or part-time for broadcast licensees as a means of supporting themselves but, to the extent that the employer exercises no control over the production being funded, we would exempt these relationships. We do not wish to see this definition preclude independents working

through public television stations as long as it is their choice and they maintain the necessary control over the production.

By the second criterion, it is our intent to provide the maximum amount of freedom to the independent producer consistent with good business practice. CPB's designee, besides the Program Fund, could be PBS in the case of journalistic standards, an executive producer of one of the consortia, or an executive producer hired by CPB for a specific purpose.

The amount of fiscal control exercised will be to ensure that the amount of money in the budget is justified, that it is spent in accordance with the agreement and for the items indicated in the budget, and that the appropriate rights are secured.

We will wish to ensure that the finished production is suitable for air and that it conforms to the description in the contract. it is not our intent to dictate the content or approach of a production but to ensure that the final work meets public broadcasting standards. Should there be an irreconcilable difference between CPB or its designee and the producer which requires a substantive change in the production, we would not consider it an independent production. As previously stated, some independent producers readily accept the guidance of an executive producer; some will consent to it only in an advisory capacity; and some may reject the idea entirely. Perhaps it should be left to the individual independent producer to

determine which relationship best satisfies his or her creative needs. There must be an element of good faith in this relationship.

The definition described above is basically the one we are currently working under and it evolved from our experiences over the years.

We feel that this definition satisfies the major points articulated by both the independent community and the public television stations, but more importantly, will allow us to assure that the funds entrusted to CPB are well spent.

Appendix B

Excerpt from Senator D. Inouye's remarks concerning

The Public Telecommunications Act of 1988

Congressional Record, October 7, 1988

INDEPENDENT PRODUCTIONS

For almost as long as public broadcasting has existed, there have been two major concerns among the independent production community: The lack of funding for independent productions and a perceived inaccessibility of the system to independent producers.

Both the House and Senate committees heard testimony from independent producers and from representatives of the public broadcasting community regarding their views on the sufficiency of use of independent productions by the public broadcasting system. Independent producers' concerns largely are based on the perception of an increasingly "closed system" structure of public broadcasting, in which the CPB and the stations control access to the public airwaves.

Although the CPB has testified that approximately half of its television program funds are allocated to the work of independent producers, representatives of the independent production community suggest that funds to independent productions are significantly less. The Congress is not satisfied that the CPB has allocated sufficient funds to smaller independent producers working independently of stations or

station consortia. Greater effort is required to fulfill the congressional intent and achieve the statutory objective of promoting greater innovations and diversity of opportunity and expression in the programming supported by the CPB.

To address this ongoing problem the substitute establishes an Independent Production Service, IPS, an entity developed for the sole purpose of funding independent productions, to provide producers increased access to the public television system, foster an improved, cooperative working relationship between the independent production community and the public broadcasting system and bring innovative programming to the American people. We expect that, despite the advent of IPS, the public broadcasting community will continue to utilize or increase utilization of independent producers or independent productions throughout the structure of public broadcasting, including SPC, program funds and other program selection and funding processes. Neither the creation of the IPS, not its funding is intended to exhaust the CPB's statutory obligation to provide a substantial portion of its programming fund to independent producers and productions.

We intend that an aggregate initial amount of at least $6 million be provides by the CPB for IPS for each of the first three years of service to be utilized for production costs. It is our further intent that funds provided IPS by the CPB be utilized for production costs. We do not intend that overhead

and promotional costs of the service be paid from the initial annual funding of $6 million. We assume that the IPS will be in full service by fall of 1989, with the understanding that CPB will provide start-up costs for the installation of the service this year with funds from the CPB administrative budget. However, the funding for IPS programming provided by the CPB shall come from allocation available for television national programming.

Section (II) provides that the Service shall be separate from the CPB and will be incorporated under the laws of the District of Columbia for the purposes of contracting with the CPB. We intend that the structure and composition of the Service's governing board will be acceptable to the CPB.

Section (III) provides that the CPB will work with independent producers and production entities to develop and plan an acceptable budget for the operation of the IPS. We recommend that personnel from public television stations as well as independent producers be involved in the planning of the advisory board and that an appropriate number of such personnel will serve on the advisory council and governing board. We intend that participation in this service will be open and that present or past association with public television stations will not automatically exclude a particular producer from participation. The determination of who is eligible for funding by the IPS will be made by the governing board or the advisory council.

Section (IV) ensures that funds provided by the CPB to the IPS will be used exclusively to ensure the Corporation's obligation to "expand the diversity and innovativeness of programming available to public broadcasting".

It is also recommended that the CPB ensure that the IPS make a special commitment and effort to produce programs by and about minorities in addition to continuing its support of the minority consortia. Minority programming is an essential foundation of public broadcasting. The existing minority consortia which represents the United States' largest and fastest growing ethnic and racial minority communities, have been an effective vehicle despite a very minimal funding level of only $800,000. The CPB should continue and expand its work and commitment to the minority communities in these creative ways in order to improve incorporation of minority programming and producers into the system and to help cultivate and further increase the participation of ethnic and racial audiences in public broadcasting. The bill does not mandate any specific level of funding for the minority consortia. In an effort to ensure support for culturally diverse programming, we assume that sufficient funds will be allocated for the minority consortia and recommend an annual allocation level of an additional $3 million.

Section (V) requires that the CPB report to Congress each year on the activities and expenditures of the IPS. At the end of fiscal year 1992, the CPB must submit an evaluation report on

the performance of the IPS to Congress. This report shall examine the IPS with regard to its mission to "expand the diversity and innovativeness of programming available to public broadcasting". We also expect the IPS to contribute to public television's historical and traditional commitment to children's television. Innovative and diverse programming geared to the child, as well as the adult, audience should be the goal of IPS. We will closely monitor the performance of IPS in the area.